

**REMARKS**

Claims 1-51 are currently pending in the application of which claims 1, 2, 34, 38, 39, 40, 41 and 47 are independent. Claims 48-51 are newly added to claim additional aspects of the invention. Reconsideration in view of the following remarks is respectfully requested.

***Preliminary Comments***

At the outset, Applicants note that this application has been subjected to four (4), substantive non-final rejections, dated July 30, 2004, January 11, 2005, July 13, 2005, and the latest Office Action dated March 9, 2005, each based upon a different combination of prior art rejections. This application has been pending since November 2, 2000 and, it is very clear that the Patent Office has not complied with the policy and procedures in the MPEP of examining “the invention” on the merits at one time and avoiding piecemeal prosecution. *See MPEP § 707.07(g)* (“Piecemeal examination should avoided as much as possible.”) After four (4) such actions, it should be clear that the best prior art is now of record and this pattern must stop. This drawn out prosecution is harming Applicants by reducing time on the term of its patent and requiring additional legal fees that are unwarranted. Accordingly, Applicants doubt that any further search is required for the invention and respectfully request that the application be promptly passed to issue, based upon the remarks below.

### **Claims Statuses**

Applicant submits that the status of claims 1, 2, 34, 38, 39 and 40 should actually be considered original since they are in identical form as originally filed, and as explained in the previously filed amendment dated January 10, 2006.

### **35 U.S.C. §102 Rejections**

Claims 1-47 were rejected under 35 U.S.C. §102(e) for being anticipated by U.S. Patent No. 6,990,467 to Kwan ("Kwan"). This rejection is respectfully traversed.

Per MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Applicant submits that the Kwan reference does not contain or describe each and every limitation the subject matter of the claimed invention. Further, the disclosure of Kwan is related to purchase of freight services, which is unrelated to the technical field of the claimed invention. The claimed invention is generally related to distributing receivables (see page 1, lines 4 and 5 of Applicant's specification). Applicant therefore submits that Kwan is an improper reference since it is not a related field. Moreover, in addition to being an improper reference, Kwan also completely fails to disclose various concepts such as, for example, receivables, lessor, lessee, licensor, licensee, assignor, assignee, a license and a lease.

As stated previously, the invention is generally directed in an embodiment to a method and system of distributing receivables. As set forth by the method of

independent claim 1, and similarly claim 2 with variations, information regarding at least one receivable (e.g., unpaid credit, charged-off consumer receivables, delinquent consumer receivables, delinquent commercial receivables, charged-off commercial receivables and/or delinquent consumer receivables, see page 4, lines 5-13) may be offered by a grantor to a potential grantee along with a purchase option providing the potential grantee the right but not the obligation to purchase the receivable and providing the grantor the obligation to sell the receivable. Further, according to the method of claim 1, and similarly claim 2, an option fee may be offered by the potential grantee to the grantor wherein the acceptance of the option by the grantor provides the potential grantee the right to purchase the receivable at or before the end of an option period. The purchase option may include establishing a notification date before which the potential grantee is required to provide notification to the grantor regarding purchasing the receivable and the option period is a time period that exists between accepting the option fee by the grantor and the notification date.

An embodiment of the invention, as set forth by claim 34 also provides a method for determining the distribution of receivables from a grantor to a grantee. The method of claim 34 comprises the steps of forwarding information regarding desired receivables from a grantee to at least one potential grantor and offering a purchase option to the potential grantor, the purchase option providing the grantee the right but not the obligation to purchase the receivables, the purchase option providing the potential grantor with an obligation to sell the receivables. The method of claim 34 further

comprises offering, by the grantee to the potential grantor, an option fee and accepting the option fee by the potential grantor from the grantee, acceptance of the option fee by the potential grantor constituting an acceptance by the potential grantor of the purchase option from the grantee and thereby providing the grantee the right to purchase the receivables at or before the end of an option period wherein the offering a purchase option includes establishing a notification date, the notification date being a date on or before which the grantee is required by the purchase option to provide notification to the potential grantor regarding purchase of the receivables, wherein the option period is a time period that exists between the accepting the option fee by the potential grantor and the notification date.

In another embodiment of the invention, as set forth by claim 38, a method for determining the distribution of receivables from a lessor to a lessee is provided. The method includes the steps of forwarding information regarding at least one receivable from a lessor to at least one potential lessee and offering a lease option to the potential lessee, the lease option providing the potential lessee the right but not the obligation to lease the receivables, the lease option providing the lessor with an obligation to lease the receivables. The method may also include the steps of offering, by the potential lessee to the lessor, an option fee and accepting the option fee by the lessor from the potential lessee, acceptance of the option fee by the lessee constituting an acceptance by the lessor of the lease option from the potential lessee and thereby providing the potential lessee the right to receive an lease of the receivables at or before the end of an option period.

The option may include establishing a notification date, the notification date being a date on or before which the potential lessee is required by the lease option to provide notification to the lessor regarding receiving a lease of the receivables, wherein the option period is a time period that exists between the accepting the option fee by the lessor and the notification date. Similar embodiments are also provided for including an assignor/assignee relationship, as set for the by claim 39, and including a licensor/licensee relationship, as set forth by claim 40.

In another embodiment, as set forth by claim 41, a computer implemented method for determining the distribution of receivables from a grantor to a grantee is provided. The method of claim 41 comprises the steps of obtaining grantor information regarding at least one receivable from a grantor and obtaining grantee information regarding at least one desired receivable from a grantee. The method of claim 41 also includes matching the grantee with the grantor, the matching being based on the grantor information and the grantee information and offering an option to the potential grantee, the option providing the potential grantee the right but not the obligation to acquire the receivable, the option providing the grantor with an obligation to convey the receivable to the grantee. Further, the method of claim 41 includes offering an option fee from the potential grantee to the grantor and determining acceptance of the option fee by the grantor from the potential grantee, acceptance of the option fee by the grantor constituting an acceptance by the grantor of the option from the potential grantee and thereby providing the potential grantee the right to acquire the receivable at or before the

end of an option period wherein the offering an option includes establishing a notification date, the notification date being a date on or before which the potential grantee is required by the option to provide notification to the grantor regarding acquisition of the receivable.

In another embodiment, the invention is generally directed system of distributing receivables, as set forth by the method of claim 47. The system of claim 47 comprises means for forwarding information regarding at least one receivable (e.g., unpaid credit, charged-off consumer receivables, delinquent consumer receivables, delinquent commercial receivables, charged-off commercial receivables and/or delinquent consumer receivables, see page 4, lines 5-13) by a grantor to a potential grantee and a means for offering a purchase option providing the potential grantee the right but not the obligation to purchase the receivable and providing the grantor the obligation to sell the receivable. Further, the system of claim 47 comprises a means for offering an option fee by the potential grantee to the grantor and a means for accepting the option fee by the grantor from the potential grantee, the acceptance of the option fee constituting an acceptance by the grantor of the purchase option thereby providing the potential grantee the right to purchase the receivable at or before the end of an option period. The purchase option may include establishing a notification date before which the potential grantee is required to provide notification to the grantor regarding purchasing the receivable and the option period is a time period that exists between accepting the option fee by the grantor and the notification date.

Specifically, on page 2 and following pages of the Office Action, the Examiner states that Kwan discloses a method and corresponding system [for] pricing, transferring buying, selling and exercising options. Applicant submits that the system and method of Kwan is unrelated to the claimed invention and fails to anticipate independent claims 1, 2, 34, 38, 39, 40, 41 and 47. Kwan is directed to purchasing freight services and fails to disclose or suggest various features such as “receivables,” “lessor,” “lessee,” “licensor,” “licensee,” “assignor,” “assignee,” “license the receivables,” “license option,” “assignment,” “assignment option,” “leasing the receivables,” and “a lease option,” as recited by the respective independent claims.

The examiner repeatedly cites several passages including col. 1, lines 20-55; col. 5, lines 4-50; col. 8, line 50 to col. 9, line 65; col. 10, lines 1-62, for support of the examiner’s position. However, an inspection of these passages, as well as the remaining parts of Kwan, clearly shows that Kwan fails to anticipate the invention as claimed. The passage at col. 1, lines 20-55 simply discusses options generally, and the use of options for freight services. The passage at col. 5, lines 4-50 simply discloses a flow chart to initiate a transaction for purchasing an option for air cargo. The passage at col. 8, line 50 to page 9, line 65 discloses a process for buying an option for freight services. The passage at col. 10, lines 1-62 is a process for transacting a purchase for freight services, i.e., a particular route such as for air cargo. Nowhere does Kwan disclose, or even suggest, all the features as recited by independent claims 1, 2, 34, 38, 39, 40 and 41.

Further, in reference to claim 47, Applicant submits that independent claim 47 is written, in means-plus-function language such that, in order to reject such a claim, the references must expressly or inherently perform a function identical to that of the means element, and the reference's structure for performing the function must be equivalent to that disclosed in the subject specification. *In re Donaldson Company, Inc.*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994). MPEP § 2182. However, the applied Kwan reference does not show or even remotely suggest an identical function, either expressly or inherently, and the structures of the applied reference does not perform the equivalent function of the claimed invention. For example, claim 47 requires, in part, the structure to perform the function of:

*offering a purchase option to the potential grantee, the purchase option providing the potential grantee the right but not the obligation to purchase the receivable, the purchase option providing the grantor with an obligation to sell the receivable;*

*offering, by the potential grantee to the grantor, an option fee;*

*accepting the option fee by the grantor from the potential grantee, acceptance of the option fee by the grantor constituting an acceptance by the grantor of the purchase option from the potential grantee and thereby providing the potential grantee the right to purchase the receivable at or before the end of an option period wherein the offering a purchase option includes establishing a notification date, the notification date being a date on or before which the potential grantee is required by the purchase option to provide notification to the grantor regarding purchase of the receivable, wherein the option period is a time period that exists between the accepting the option fee by the grantor and the notification date.*  
(Emphasis added)



Since Kwan does not disclose an identical function of claim 47, for example, offering a purchase option...to purchase a receivable (with characteristics such as an option period and notification date, etc.), Applicant submits that the rejection of claim 47 should now be withdrawn.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejection over claims 1-47 be withdrawn and submits that these claims are now allowable.

#### **Newly Added Claims**

Support for newly added claims 48-51 may be found at least at page 4, lines 5-13. Applicants submits that claims 48-51 are also patentable over the prior art of record.

## CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. Applicant also submits that the art of record, either singly or in combination, fails to disclose or suggest all the features of the claimed invention. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 23-1951.

Respectfully submitted,



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